

REMARKS

Entry of this amendment and reconsideration of the present application, as amended, are respectfully requested.

Claims 26-75, 77-84 and new claims 85-87 are presently active in this application, claims 1-25 and 76 having been cancelled.

Claims 26-36, 60 and 61 are allowed. Claims 37-43, 45, 46, 48, 50-59, 62, 63, 66-68, 70 and 74 are rejected and claims 44, 47, 49 and 75-84 are objected to. Clarification of the status of claims 64, 65, 69 and 71-73 is respectfully requested in the next communication.

Claims 37, 52, 62, 63 and 74 are amended herein. However, in spite of these amendments, applicant reserves the right to traverse the Examiner's rejections of the claims as previously set forth and the Examiner's positions set forth in the Office Action, e.g., by filing a continuation application with such claims. Also, unless mentioned below to distinguish the claimed invention over the cited prior art, the changes to claims 37, 52, 63, 63 and 74 do not relate to patentability.

Rejections under 35 U.S.C. §102

Claims 62, 63, 66-68 and 70 were rejected under 35 U.S.C. §102(b) as being anticipated by Matsuura (U.S. Pat. No. 3,680,912).

The Examiner's rejection is respectfully traversed in view of amended claim 62.

Independent claim 62 has been amended to specify the feature of a cover defining an interior, and that the single fluid-containing bag is surrounded by the cover and is the only fluid-containing bag in the interior of the cover. As shown in Fig. 8A, the cover 810 surrounds the bag 815 with the bag 815 being the only fluid-containing bag in the interior of the cover 810.

In contrast to the invention now set forth in claim 62, in Matsuura, there are two fluid-containing bags 12, 16 in the interior of the cover 11. The presence of two fluid-containing bags 12, 16 in Matsuura is a necessary requirement for the Matsuura device and therefore one skilled in the art would not be motivated to use only a single fluid-containing bag.

In view of the changes to claim 62 and the arguments presented above, it is respectfully submitted that the Examiner's rejection of claims 62, 63, 66-68 and 70 in view of Matsuura has been overcome and should be removed.

Claims 62, 63 and 74 were rejected under 35 U.S.C. §102(b) as being anticipated by Great Britain Patent No. 2,289,786 (GB '786).

Although applicant disagrees with this rejection, as noted above, claim 62 has been amended to specify the feature of a cover which surrounds the bag with the bag being the only fluid-containing bag in the interior of the cover. The feature of a cover is set forth in claim 74.

GB '786 shows an airbag 1040, 1180 which is not surrounded by any cover. Thus, GB '786 cannot anticipate the embodiments of the invention set forth in claims 62, 63 and 74.

In view of the changes to claim 62 and the arguments presented above, it is respectfully submitted that the Examiner's rejection of claims 62, 63 and 74 in view of GB '786 has been overcome and should be removed.

Rejection under 35 U.S.C. §103

Claims 37-43, 45, 46, 48 and 50-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuura in view of GB '786.

The Examiner's rejection is respectfully traversed on the grounds that Matsuura and GB '786 do not teach or suggest a movable, pre-inflated cushioning arrangement coupled to an anticipatory sensor for the purpose of moving the cushioning arrangement toward a likely position of the occupant upon a determination that a crash involving the vehicle is about to occur.

As shown in Fig. 8A, the bag 815 contains fluid and is in an inflated condition. That is, a fluid is not directed into the bag 815 by a gas generator to cause its expansion but rather it is pre-expanded or pre-inflated.

Matsuura shows a headrest including a hollow member 12 at the front of the headrest and a hollow member 16 at a rear of the headrest. Each hollow member is capable of containing a fluid. A resistance member 15 is arranged outside of and between the hollow members 12, 16 and enables and controls a flow of fluid from hollow member 12 to hollow member 16, for example, when an object impacts the headrest. The headrest of Matsuura is not coupled to any crash sensor nor movable toward a likely position of the occupant, i.e., actively brought into contact with the occupant. Rather, the headrest is a passive device which waits for the occupant's head to contact it.

GB '786 describes a side impact airbag system with an anticipatory sensor. Upon a determination that a crash involving the vehicle is about to occur, the airbag may be deployed prior to impact. Thus, the movement of the airbag results from its inflation.

There is thus no disclosure in Matsuura or GB '786 of a pre-inflated airbag which is movable toward a likely position of an occupant based on a determination by an anticipatory crash sensor that a crash involving the vehicle is about to occur as now set forth in claim 37. Matsuura and GB '786 also do

not teach or suggest moving a pre-inflated cushioning arrangement into contact with the occupant upon a determination that a crash involving the vehicle is about to occur as now set forth in claim 52.

Therefore, one skilled in the art could not modify Matsuura in view of GB '786 and arrive at the embodiments of the invention set forth in claims 37-43, 45, 46, 48 and 50-59.

In view of the changes made to claims 37 and 52 and the arguments presented above, it is respectfully submitted that the Examiner's rejection of claims 37-43, 45, 46, 48 and 50-59 under 35 U.S.C. §103(a) as being unpatentable over Matsuura in view of GB '786 has been overcome and should be removed.

New Claims

New claims 85-87 are added, of which claims 85 and 86 are independent claims.


Claim 85 includes the features of claims 62 and 64 as previously set forth and claims 86 includes the features of claim 62 and 71 as previously set forth. In view of the absence of rejections of claim 64 and 71, it is respectfully submitted that claims 85-87 should be allowable.

If the Examiner should determine that minor changes to the claims to obviate informalities are necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

An early and favorable action on the merits is earnestly solicited.

FOR THE APPLICANT

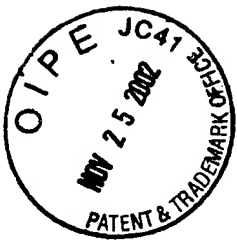
Respectfully submitted,


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Version with Markings to Show Changes Made



VERSION WITH MARKINGS TO SHOW CHANGES MADE

U.S. PATENT APPLICATION SER. NO. 09/613,925
ACCOMPANYING AMENDMENT OF NOVEMBER 18, 2002

In The Claims:

Claim 76 has been canceled.

Claims 37, 52, 62, 63, 65 and 74 have been amended as follows.

37. (Amended) A vehicle including a protection system for protecting an occupant in an impact, the protection system comprising

an anticipatory crash sensor for determining that a crash involving the vehicle is about to occur, and

a movable, pre-inflated cushioning arrangement coupled to said anticipatory crash sensor, said cushioning arrangement being movable toward a likely position of the occupant upon a determination by said anticipatory crash sensor that a crash involving the vehicle is about to occur.

52. (Amended) A method for protecting an occupant in an impact, comprising the steps of:

determining that a crash involving the vehicle is about to occur, and

moving a pre-inflated cushioning arrangement into contact with the occupant upon a determination that a crash involving the vehicle is about to occur.

62. (Amended) A vehicle including a cushioning arrangement for protecting an occupant in an impact, the cushioning arrangement consisting of:

a frame coupled to the vehicle; [, and]

a deformable cover defining an interior, and

a single fluid-containing bag attached to said frame and surrounded by said cover, said bag being structured and arranged to allow movement of the fluid within said bag to thereby alter the shape of said bag and enable said bag to conform to a portion of an occupant engaging the cushioning arrangement, the cushioning arrangement being arranged to be in contact with the occupant at least during the impact; and

said bag being the only fluid-containing bag in the interior of said cover.

63. (Amended) The vehicle of claim 62, [further comprising a deformable cover substantially surrounding said bag,] wherein said cover [being] is elastically deformable in response to changes in pressure in said bag.

65. (Amended) The vehicle of claim 63, wherein said [cover defines an interior, said] bag [occupying] occupies the entire interior of said cover.

74. (Amended) A vehicle including a cushioning arrangement for protecting an occupant in an impact, the cushioning arrangement comprising:

a frame coupled to the vehicle;

a deformable cover defining an interior; and

a fluid-containing bag attached to said frame and occupying the entire interior of said cover, said cover surrounding said bag,

said cover being elastically deformable in response to changes in pressure in said bag,

said bag being structured and arranged to allow movement of the fluid within said bag to thereby alter the shape of said bag and enable said bag to conform to a portion of an occupant engaging the cushioning arrangement, the cushioning arrangement being arranged to be in contact with the occupant at least during the impact.